

Interview Summary	Application No.	Applicant(s)	
	09/703,562	O'NEIL, JR. ET AL.	
	Examiner	Art Unit	
	Donald L. Champagne	3622	

All participants (applicant, applicant's representative, PTO personnel):

(1) Donald L. Champagne.

(3) Chris Katopis, Esq..

(2) J. Mitchell Jones, Esq..

(4) Larry D. Haugen, Esq..

Date of Interview: 21 February 2008.

Type: a) ☐ Telephonic b) ☐ Video Conference
c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: 1.

Identification of prior art discussed: Schultz et al., Lidman and Simpson.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/Donald L. Champagne/
Primary Examiner, Art Unit 3622

Examiner Note: You must sign this form unless it is an
Attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

As a preliminary matter, applicant's reps challenged the accuracy of para. 9 in the last Office action (mailed 27 December 2007). It was noted that the "in-store computer system 22" is an integral part of the PMCS (Schultz et al. col. 7 lines 20-32, col. 9 lines 39-53 and Fig 1).

A draft reply to the 27 December 2007 Office action was discussed. As a preliminary matter, the examiner noted that there was an improper Markush group at line 3 of proposed amended claim 1 and the examiner's preliminary review of the instant application did not disclose support for the new limitation "remotely monitoring sales".

The draft claims are limited to the use of both debit and credit cards. Applicant's reps pointed to a declaration by Frances M. Dale, dated 22 January 2008, which traverses the credit/debit card teachings in Lidman and Schultz. In response to the examiner's question, applicant's reps said the Simpson reference would not overcome these deficiencies.

The draft reply also argues that the examiner did not give adequate weight in the last Office action to earlier findings of fact by the examiner concerning commercial success of the instant invention. (The earlier findings were not made an issue at the time of the last Office action.) It was also noted that the draft reply package contains a declaration by Mr. Haugen (dated 5 February 2008) disclosing a new business relationship with a bank. Both will of course be considered when made of record.

On its face, it is not clear if the proposed amendment with supporting material and argument numbering 35 pages overcomes the rejection of record. It is beyond the scope of an interview to examine this much, clearly thoughtful, hypothetical material. The proposed limitation to "remotely monitoring sales" might be significant, but its support in the spec. needs to be clarified before the examiner can consider it.